City of St. Louis

Communications Division

Mr. William Caxton, Secretary

Federal Communications Commission

4971 Oakland Avenue St. Louis, Missouri 63110

Telephone (314) 533-5802 (314) 534-7059 Fax

191 M Street NW

Washington DC 20554



Hon. Freeman Bosley, Jr. Mayor

13 January 1995

Board of Public Service

Robert F. Henry Jr., P.E. President, Board of Public Service

Larry D. Stone Cable Communications Manager

RECEIVED

MAR 1 5 1995

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF SECRETARY

RE:

Docket 92-266

Cable Rate Regulation DOCKET FILE COPY ORIGINAL

Dear Sir:

Enclosed please find 3 copies of a letter (with attachments) to Chairman Reed Hundt delineating subscriber protests as a result of rate increases in the City of St. Louis.

The City of St. Louis wishes to place these documents in the public file of the abovereferenced docket, formally protesting the Commission's action in adopting "Going Forward" Rules (Sixth Order on Reconsideration / Fifth Report and Order).

These subscriber complaints and letters, along with the explanatory letter from the Agency of the Local Franchise Authority (the Communications Division) outline the ill-effects experienced by subscribers as a result of this FCC action.

An original and two copies of the filing are enclosed.

Sincerely,

Susan S. Littlefield

Cable Regulatory Administrator

cc:

Hon. Rachelle Chong, Commissioner

Hon, Andrew Barrett, Commissioner

Hon, James Quello, Commissioner

Hon. Susan Ness, Commissioner

Mr. Blair Levin

No. of Copies rec'd List ABCDE

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Hon. Reed Hundt, Chairman

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

RE: Docket 92-266

13 January 1995

Cable Rate Regulation

Dear Sir:

On behalf of the Communications Division, which acts as the Franchise Agency for the City of St. Louis, we formally file in this docket comments and complaints received from local cable subscribers. These individuals are protesting increased cable bills and channels selected for inclusion by Cable Operator TCI (CUI MO 0545) as a result of the "Going Forward" rules released November 18, 1994.

Subscribers received the attached notice from TCI over the New Year's weekend. An increase of \$1.38 (presumably excluding franchise fees) is billed to customers for 5 new channels paired with a quarterly external costs adjustment:

TV! (A showcase channel featuring samples of currently viewed cable programming and new programming networks.)

The Learning Channel (Formal and informal educational programs, business and career information, hobby, how-to, self-improvement, informational.)

Food Channel (Cooking programming, including recipe how-tos, visits with chefs, eating healthy, restaurant reviews.)

America's Talking (Talk shows and informational programming, including current events and news issues.)

Cable Health (Exercise and fitness, health and lifestyles.)

Since January 3, this office has received 48 complaints regarding this rate increase and the addition of unrequested channels which subscribers are required to take and pay for if they wish to keep their existing "expanded basic" services on the Cable Programming Services Tier (CPST). No other rate increase in the last 7 years has generated such outrage in St. Louis!

Copies of the subscriber complaints contain some very pointed statements, which are highlighted here to convey some of the customer anger and problems related to our office. The quotes are from unsolicited complaints received by our office. The subscriber letters attached speak for themselves.

SUBSCRIBER COMMENTS

"Why should I pay to watch the 'TV! Channel' which shows me stuff already on other channels I receive, or things that aren't on the system and not available to me anyway?"

"These channels are garbage. Even 'The Learning Channel' is so full of commercials that it isn't worth watching. I don't want these, why should I pay for them? What yo-yo is letting them get away with this?"

"These are junk channels and I don't want them. TCI's rep told me, 'it's legal, the government said we could do it'."

"Why should I have to pay more for channels that I didn't order? I don't want them and I don't want a rate increase. I want to write a letter because this is unfair."

"Why should I be paying for something I don't want and don't watch? I didn't ask for this. It's ridiculous."

"How can operators do this?"

"I'm on social security. This is a trick of TCl to get more money. Government stepped on their toes and this is their way of getting more money."

"Why should I pay more for these stinky new channels that I don't want? They're raising my rates so I have a new channel that shows me what's on other channels! They were running identical programs on Channel 53 and 54. I didn't order this - it's like a negative option. I don't want these channels and I don't want the \$1.38 on my bill."

"And on top of it, why do I pay another 3 cents a month for rate regulation when my rates are going up anyway?"

"New monthly rate for Expanded Basic is outrageous. I didn't ask for these channels and I don't want them. Where can I file a protest?"

"Putting on channels that I don't want and I want to file a protest. I don't mind paying for what I want to watch, but this is ridiculous. The 'TV Channel' just shows me what's on other channels - why would I want that? (When I called) TCI said, 'customers voted for this and it's the government's fault that rates go up and down'. It's not so much the \$1.38 as it is that the programming is garbage and I don't want it. I (already) pay \$23.81 a month, and a lot of it is garbage - especially those infomercial programs at midnight. I'm paying to watch programs they are getting paid for."

"I'm not happy with the channel changes - I may go to satellite at this point - the bills and changes all the time are too much."

"They didn't ask me if I wanted these new channels - I wouldn't want them or watch them even if they were free! TCI is just doing what they want to do - I'd like to be able to make up my own mind. I am retired and disabled - these increases are ridiculous.

"I don't really need or want these new channels. I'm so mad I'm sending a letter. TCI's lines have been busy since 8 am. I know I'm not the only one who is upset."

Subscribers want real options. Subscribers want stability of rates. Subscribers do not necessarily want (as the FCC seems to persist in believing) more services and diversity with the accompanying increases in bills. Most would prefer to order their own individually watched and selected channels, and not be charged for 3 barker channels, informercial channels, and other "garbage" loaded on the BT and the CPST to maximize operator profits. But of course, such reasonable approaches and real choices would reduce guaranteed revenue streams.

In numerous discussions with both Cable Bureau staff and Commissioners' staffs, local governments pointed out four key considerations in the "going forward" matter raised by our representatives on the NATOA-FCC liaison committee:

- 1) since the proposed FCC rules are "content neutral", there was no guarantee that barker channels, shopping networks, or other low-value, low-cost programming would be excluded additions for 'incubation' purposes.
- 2) if numerous new channels are allowed to be "incubated" on the Basic or CPS Tiers, customers do not really have a choice as to whether they want their bills to increase. Local governments frequently heard that subscribers do not want more channels in exchange for bigger bills.
- 3) individuals who are elderly, disabled/housebound, or on fixed incomes will be most adversely affected by the "going forward" scheme. And they are the classes of subscribers who most rely on cable service for both entertainment and information.
- 4) good new programming was not a victim of rate regulation, as operators have argued. The Commission's own public record indicates that 6 to 12 months ago, Operators were claiming that already limited channel capacity was being further squeezed by "must-carry" requirements. Suddenly, in this scenario, it's not a channel capacity issue, but a need to make more money...and it's not going to the programmers, we'd wager. The license fee is minimal 30 cents. The \$1.00 goes to the operator to "cover costs".

Yet in St. Louis, no upgrade of the system was needed to accommodate these channels. In fact, pay-per-view services were removed to make room for them. No known additional headend equipment was needed. And yet an extra dollar per month per subscriber yields over \$636,000 per year in guaranteed revenue (\$12 per sub per year times 53,000 CPST subscribers) to our system operator. The loudest protests have come from fixed income, retired and disabled individuals.

We support our St. Louis citizens who protest this allowed increase without choice or options. We want the Commission to know that the average citizen, who does not have a personal lobbyist, had counted on the FCC to provide (first and foremost) initially reduced rates and reasonable rate protection in the future.

Very truly yours,

Susan S. Littlefield

Cable Regulatory Administrator

City of St. Louis

EXHIBIT 1

Notification Letter to Subscribers

St. Louis TCI (CUI# M00545)

December 27, 1994

Rate Increase Attributable to 1995 New Channel Additions

Under the FCC "Going Forward" Rules

December 27, 1994

Dear Customer:

Lately you have seen some exciting changes in your expanded basic channel line-up. We made these changes to bring you more variety in your television entertainment.

These additions include:

TV! on Channel 53

A showcase channel featuring samples of currently viewed cable programming and new programming networks.

LEARNING CHANNEL on Channel 54

Formal and informal educational programs, business and career information, hobby, how-to, self improvement, informational.

FOOD CHANNEL on Channel 59

Cooking programming, including recipe how-tos, visits with chefs, eating healthy, restaurant reviews.

AMERICA'S TALKING on Channel 60

Talk shows and informational programming, including current events and news issues.

CABLE HEALTH on Channel 61

Exercise and fitness, health and lifestyles.

To make room for this new programming, we deleted Action Pay-per-view channel 54, Request 2 Pay-per-view channel 59 and we moved Spice Pay-per-view to 62.

A new monthly rate for the expanded basic service will be reflected on your bill next month. We are making this rate adjustment to next month's bill to reflect costs associated with the additional services. The new rate for expanded basic service will increase by \$1.38, resulting in a new monthly price of \$11.50. A portion of this adjustment is due to the higher costs associated with bringing you many of your favorite cable networks.

Cable TV continues to be one of the best entertainment values today. We are committed to looking for ways to improve the value and quality of the programming we offer you. We appreciate your business, and look forward to serving you in 1995.

Sincerely.

TCI Cablevision of St. Louis

Note: You have the right to file a complaint with the Federal Communications Commission regarding any rate or service change on the expanded basic tier within 45 days from the time the adjustment apears on your bill. Please see your bill for the address and telephone number of the FCC and your local franchise authority. If you have any questions, please call us at: TCI Cablevision of St. Louis at 361-7300.

EXHIBIT 2

Subscriber Letters

addressed to

FCC or Local Franchise Authority

January 1995

Rate Increase Attributable to 1995 New Channel Additions

Under the FCC "Going Forward" Rules



Created to Serve

1316 CONVENTION PLAZA
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Order TOLL-FREE
1-800-366-3383

RECEIVED

FEB 0 2 1995

January 30, 1995

COMMUNICATIONS
DIVISION

FCC Community Unit #M00545
Franchise Authority: Communications Manager
City of St. Louis
4971 Oakland Avenue
St. Louis, Missouri 63110

I am writing to protest the action of St. Louis - TCI to add channels to the basic line-up of my services and increase the charge. Mine just went from \$19.84 to \$21.29. This is not the first time they have done this.

I do not understand why they have the right to arbitrarily decide that I need more channels and then with no permission from me, charge me for it. That would be like Famous-Barr deciding that I need another suit of clothing so they send one to my home, bill me for it and I have no choice but to pay the bill.

I don't know how these policies read, but the cable TV industry regularly rips off its customers. Adding to the basic services with no one asking them to do so is one way of ripping off the customer. If they offer it as an option, they limit the number of customers.

When I moved to St. Louis and to the Chesterfield Apartment, the building was wired for cable and it was free (which means included in the rent!). After two years, management said they would no longer pay it. Since reception without an aerial is impossible, there was no choice. I wonder how much kick back the apartment management company got from St. Louis - TCI for that little caper.

Cable television continues to be the consumer fraud of the decade. I protest this new invasion of my wallet and resent the fact that I can do nothing to

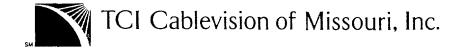
protect myself from St. Louis - TCI if I want to see any television at all. As a matter of fact, the three major stations would be fine with me. I think this theft is a disgrace.

Sincerely,

Joseph H. Bragg, Jr.

cc: Federal Communications Cable Service Bureau Customer Protection Division 1919 M Street NW Washington DC 20554

> St. Louis - TCI 4940 Delmar Boulevard St. Louis, MO 63108



December 27, 1994

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These additions include:

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Cooking programming, including recipe how-tos, visits with chefs, eating healthy, restaurant reviews.

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Talk shows and informational programming, including current events and news issues.

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TCI of St. Louis 4940 Delmar Blvd. St. Louis, MO 63108

An Equal Opportunity Employer

January 12, 1995

Greg Schacher TCI of St. Louis 4940 Delmar Blvd. St. Louis, MO 63108

Dear Mr. Schacher:

I am responding to a notice I received in my last cable TV bill. I have not been particularly pleased with most of the changes in cable service over the past few years, but because I believe there is give and take in all relationships, I have remained silent on those changes. However, this last manipulation of your services is certainly a stellar performance.

I refer to TCI's "exciting changes in your expanded basic channel line-up." You claim you made these changes to bring us more variety in our television entertainment all for an additional \$16.56 per year. You now make us pay more for something we neither asked for, nor wanted. I'm sure if your subscribers were given an option to expand or not, there would have been no takers. The only reason for these changes is to increase revenue for TCI under the guise of some additional variety you think we need.

Unfortunately, most subscribers will not think much about an additional \$1.38 per month and thus not take time to complain by letter or phone. Once again, public apathy will allow disreputable business practices such as this to continue. Please note it is these practices and not the expense I abhor.

In the hope that I may be wrong in this accusation and maybe TCI does have a conscience and respect for their customers, I am taking the time and effort to write this letter. With this in mind, I am making this formal request that you not implement this unwanted additional service and that you not charge me for this service.

Thank you,

Robert B. Buscher

4626 Tower Grove Place

St. Louis, MO 63110

CC: Ira Fawlkes, City of St. Louis, Communications Division Steve Conway, City of St. Louis, alderman

Editor Cay W. Lean:
Dear Mr Fow Mes: Enclosed you will find 9
Enclosed you will find a copy of my letter to Mr. Schacher Hen. Manager. St. Louis T. C.I. per our phon
conversation à per origo
ago. I hope you will be able to help all of us bein exploited by this cable Co
exploited by this cable Co
Tincerely;

Jincerely, Cary W. Green 1687 McLaran St. Louis, Mo. 63147

Midwest Labor Press Association

Greg Schacher Genedal Manager St. Louis - T. C.I. Dear Sir: you to complaign about the price whereases again added to my cable bill and for no worthwhite The additional channel selections being added per your letter dated Dec. 27, 1994 are not worth or interesting enough to warrant the #1.38 being added to my expanded basic service. If you were adding more sports by movie channels it would be worth the additional charge. as an option and those requesting them should pay for them and want those of us that do not want them should not be forced to

Jan. 6, 1995

Contos accept them a have to pay for them.

> Thanking four in advance, Cary W. Green. 168/Mc Laren St. Louis. Mo. 63147

(1) Alderman Freg Corter City Hall Rm 230 St. Louin, Mo. 63103 (2) Mr. Ires Fowlkes 4971 Oakland ave St. Louis, Mo. 63110 (3) File.

Enclosures (1) Letter (copy) from T.C.J. Cable-Vision of Missouri, Inc.

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LEASE REPLY BY		Memor		NECESSARY			
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Ms. Susan Littlefield Communications Div. 4971 Oakland St Louis Mo 63110

Ms Littlefield:

Enclosed is copy of my letter of Chairman Hundt of the FCC.

I also sent a copy of this to Senators Bond and Ashcroft and Congressman Gephardt.

Thanks for the help and keep my name on $\mbox{\ your\ list\ of\ }$ "activists".

I have given the info to one neighbor - Cliff Bertel 4348 Steins, St Louis 63116. If I can talk others into, be assured, I will.

R. J. Austermann

4316 Steins

St Louis, Mo. 63116-2144

35**3-**8167

P.S. Butte sand he would also write letters

6 Jan 95

Chairman Reed Hundt FCC 1919 "M" St. N.W. Washington, D.C. 20554

Dear Sir:

On Tuesday, 3 Jan 95, I received a letter from TCI Cablevision of Mo, dated 27 Dec 94, stating that my reate would be increased \$1.38 per month. They also stated they were adding 5 new channels.

I immediately phoned TCI and protested, explaining that I had not been solicited in advance regarding these channels; had not ordered them; and that they appeared to be "junk" channels. I also pointed out that I couldn't even receive 4 of the channels!!! TCI's reply was their action was legal because the FCC had authorized the raise. As far as not receiving the channels it probably was because I had a box on my TV set and they were having troubbe because of glitchs in their system and that they would give me service when they got to it.

The lady I talked to was very polite but had a cavalier attitude that gave me the impression TCI could do as it pleases.

Mr. Hundt, the customers should be solicited first to see if they want new channels and definitely should have a choice of new channels. TCI should not arbitraily raise rates and try to justify the raise by forcing on us these "junk" channels.

Channel 53 is the only one I can get. TCI advertises this as a "show case channel featuring SAMPLES of cable programming."

Of the other channels I cannot get, they have Channel 54 - "business & career info, how-to, hobby, self-improvement, etc".

Channel 59 - Food Channel - There are enough cooking shows on TV now.

Channel 60 - Talk show & Informational programming. There are too many talk shows now with each one competing to see which one can top the others by getting farther out or wilder

Channel 61 - Health Channel. Seems to promote exercise machines, etc. Almost like a shopping channel.

I would like the FCC to rescind permission to FCI to raise rates under the guise of adding low-grade cheaply made shows.

Respectfully,

R. J. Austermann 4316 Steins

St. Louis, Mo. 63116-2114

Milli Manasen

Gene Kirkpatrick 5104 Pennsylvania St. Louis, Mo. 63111

January 5, 1994

Mr. Greg Schacher St. Louis TCI 4940 Delmar St. Louis, Mo. 63108

Dear Mr. Schacher,

This letter is to express my concern in regards to TCI Cable's most recent dictatorial price hike for cable service for channels we do not desire to view. Also, my TV does not reach the channel capacity.

As a consumer, I feel I should have the right to refuse services I cannot or do not wish to use. I enjoy the cable channel alternatives, but to be honest, I wander if I can afford cable if the prices keep escalating.

Sincerely,

Gene Kirkpatrick.

/GK

cc: Mr. Daniel Gruen, Alderman City Hall Rm 230 St. Louis, Mo. 63103 Ira Fowlkes 4971 Oakland St.Louis, Mo. 63110

Sone Kurpatrick

Dennis D. Skinner Sr. 4060 Juniata St. Louis, Mo. 63116

January 5, 1994

Mr. Greg Schacher St. Louis TCI 4940 Delmar St. Louis, Mo. 63108

Dear Mr. Schacher,

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Sincerely,

Dennis D. Skinner Sr.

/DDS

cc: Geraldine Osborne, Alderman

City Hall Rm 230 St. Louis, Mo. 63103 Ira Fowlkes 4971 Oakland St.Louis, Mo. 63110



DAVID J. MAHAN
Superintendent of Schools
CHARLES W. SIMMS
Chief of Staff
GLENN A. CAMPBELL
Executive Director, Desegregation Monitoring Office

January 9, 1995

Greg Schacher, Manager TCI Cable 4940 Delmar Blvd. St. Louis, Missouri 63108

Dear Sir:

THE NEW RATE INCREASE

To say that your recent rate increase is a poor excuse for an argument is to put the whole issue simply. How in the world can your company justify a rate increase on the basis of a few shabby new channels proffered to your subscribers as some sort of peace offering? It is literally taxation without representation yet again. Check out what you're giving us at the cost of almost \$.50 a month each:

<u>TV! [sic]</u>: The nature of this channel is a mystery. It seems to simulcast programs available on other channels. In short, a duplication.

FOOD CHANNEL: There are cooking shows on Channel 9, Lifetime, The Discovery Channel, etc. Duplication.

AMERICA'S TALKING: We already have the prime rated CNBC. This is a duplication and a cheap imitation.

<u>CABLE HEALTH</u>: Again, there are exercise shows on Channel 9, Lifetime and some of the Sports channels.

THE LEARNING CHANNEL: The only winner in the bunch but not worth a \$1.38 rate increase.

Why is it that we were not given some choice in the selection of new channels if we are to pay for them? There are a whole variety of channels out there which would be far more worthwhile than what you've dumped on us:

The Bravo Channel The Cartoon Channel The History Channel The Sci-Fi Channel

And any number of new movie channels from Turner and/or American Movie Classics. All of these would give us a greater variety of channels, not just a re-hash of what we already have.

PRESENT RECEPTION OF LOCAL CHANNELS

And while I'm at it, reception on the local channels is still abominable. Double imaging is still present on Channel 2 (ABC), Channel 4 (CBS) and Channel 5 (NBC). Channels 4 and 5 are the worst, but Channel 2 also suffers in the process. Doesn't the FCC have something to say about the quality of the image of local affiliates that is being transmitted by the Cable company? To blame the poor reception on the local stations themselves (as one of the many cable repairmen who have come to my-house has-done) is an example of the way TCI seems to excuse itself for any poor reception.

PAY CHANNELS

While I'm at it, I have complained about sound and picture interference on <u>HBO</u> and although your repairmen have seen it and admitted it was there, no one seems to be able to clear it up. With respect to <u>STARZ</u>, the image is fuzzy and often looks like a video of a film rather than a direct transmission. This type of sloppiness is unexcusable in a pay channel.

CONCLUSION

All in all, TCI's service to the City of St. Louis leaves much to be desired. Rather than alienating subscribers by an irresponsible rate increase with hardly anything in return, TCI should be doing all it can to placate us for poor service. I quote "We are committed to looking for ways to improve the value and quality of the programming we offer you." (Emphasis added) TCI has to go some to prove that commitment.

Sincerely,

EUGENE M. URAM 4436 Arco Avenue St. Louis, MO 63110

cc: Ira Fowlkes

Joseph Roddy John Ashcroft

January 2, 1995

St. Louis - TCI 4940 Delmar Mlvd. St. Louis, Mo. 63108-1615

Sirs:

I am extremely annoyed and disappointed to hear of your increase in rates by the ruse of adding totally irrelevant and duplicating channels.

I strongly protest this abuse of monopoly power, and am sending copies of this complaint to other offices .

For shame! And take off those sales channels. They are an insult! (Though a bonanza for you, of course.)

Clara Pt Plex

the of at least. The is a formal complaint I don't even want to receive 4626 Kay Clue. St. Louis Mo the chance to and I have you will has Thank you Subserber terho I would like to file a complaint yound the rate linevasa, tended base Television howe the hannela